

**REMARKS**

**Summary of the Office Action**

Claims 3-5, 9 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8-13 are objected to because of informalities.

Claims 1, 2, 6-8, and 10-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,684,968 to Bise et al. ("Bise").

**Summary of the Response to the Office Action**

Applicant has amended claims 8, 9 and 11.

Applicant has canceled claim 12 without prejudice or disclaimer.

Claims 1-11 and 13 are pending.

**Matters of Form**

Claims 8-13 are objected to because of informalities. Applicant has amended claims 8, 9 and 11 to address the Examiner's helpful comments at paragraphs 1 and 2 of the Office Action. Withdrawal of the objection to claims 8-13 is respectfully requested.

**All Claims Define Allowable Subject Matter**

Claims 3-5, 9 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims. Applicant respectfully thanks the Examiner for the indication of allowable subject matter.

Claims 1, 2, 6-8, and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Bise. Applicant respectfully traverses the rejection under 35 U.S.C. § 102(e). Claim 1 recites a drill bit assembly including a drill bit having a leading end to which a drill tip is fixed by bonding. The drill bit includes a bore extending axially therethrough and opening into the leading end. The drill tip extends across the bore in a lateral direction.

In contrast, as illustrated in Fig. 1 of Bise, dust collection openings 18, 18 are formed in a side wall of 26 of bit body 12. Accordingly, Applicant respectfully submits that Bise does not teach at least the features of a bore extending axially through a drill bit and opening into the leading end, as recited in claim 1. Moreover, because Bise does not teach the features of a bore extending axially through a drill bit and opening into the leading end, Bise cannot teach a drill tip extending across the bore in a lateral direction, as recited in claim 1.

Claims 2, 6-8, and 10 depend from claim 1, and recite the same combination of allowable features recited in claim 1, as well as additional features that define over the prior art. Accordingly, it is requested that the rejection under 35 U.S.C. § 102(e), of claims 1, 2, 6-8, and 10, be withdrawn.

Claims 11 and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Bise. Applicant has canceled claim 12 without prejudice or disclaimer, rendering the rejection of claim 12 moot. Applicant respectfully traverses the rejection under 35 U.S.C. § 102(e), of claim 11. Applicant has amended claim 11 to particularly point out and distinctly claim an embodiment of Applicant's invention.

Claim 11 recites a drill tip for a drill bit, including a front end having a pair of front cutting edges, a pair of side cutting edges, a rear end disposed opposite the front end and being elongated in a direction of elongation from one side cutting edge to the other side cutting edge, and a pair of parallel side walls each interconnecting the front and rear ends. The rear end includes a projection structure extending rearwardly from the rear end to locate the drill tip in a bonding position prior to being bonded to a drill bit, to resist shifting movement of the drill tip in the direction of elongation and out of the bonding position.

In contrast, as described at col. 4, ll. 12-15, and illustrated in Fig. 4 of Bise, insert 32 is an "A" frame house style insert having u-shaped depression 50. Accordingly, Applicant respectfully submits that Bise does not teach at least the features of a drill tip having a rear end that includes a projection structure extending rearwardly from the rear end to locate the drill tip in a bonding position, as recited in claim 1. Moreover, Bise teaches away from a drill tip having a rear end that includes a projection structure extending rearwardly from the rear end. As described at col. 4, ll. 20-22 of Bise, the keyway 50 in the tungsten carbide insert reduces the amount of tungsten carbide or other hard material needed to manufacture the insert. For instance, in comparison to an insert dimensionally equivalent in size to the Bise insert that does not have a keyway or any other notches thereinbetween, 30%-50% by weight less tungsten is needed to make the Bise insert. Cemented tungsten carbide is significantly more expensive per pound than the cost of steel used to construct the bit body key 51 that is provided on the bit body 12 of Bise. Accordingly, it is requested that the rejection under 35 U.S.C. § 102(e), of claim 11, be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: February 10, 2006

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